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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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7 MINERVA MARTINEZ,)
8 Plaintiff(s),) Case No. 2:12-cv-01898-GMN-NJK
9 vs.) ORDER DENYING PROPOSED
10 LUNAN WEST, INC., et al.,) DISCOVERY PLAN (Docket No. 19)
11 Defendant(s).)
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13 Pending before the Court is the Proposed Discovery Plan and Scheduling Order, filed on
14 March 21, 2013, Docket No. 19, which is hereby **DENIED**. As an initial matter, the Court notes
15 that the filing of the discovery plan is untimely. The parties indicate that they conducted the Fed. R.
16 Civ. P. 26(f) conference on January 24, 2013. Docket No. 19 at 2. The discovery plan was required
17 to be filed 14 days thereafter, or February 7, 2013. *See* Local Rule 26-4(d).

18 The presumptively reasonable discovery period in this case is 180 days from the date the
19 answer was filed, or July 3, 2013. *See* Local Rule 26-1(e)(1). The parties seek extended discovery
20 on the basis that they “agreed to wait until the conclusion of the ENE before engaging in any
21 discovery other than Rule 26 Initial Disclosures.” Docket No. 19 at 2. Early Neutral Evaluation
22 (“ENE”) sessions are governed by Local Rule 16-6, which does not provide for automatic stays of
23 discovery or other related deadlines pending the ENE session. *See* Local Rule 16-6. Nor are the
24 parties entitled to change deadlines themselves without court approval. *See, e.g.*, Local Rule 7-1(b)
25 (“No stipulations relating to proceedings before the Court . . . shall be effective until approved by
26 the Court.”). While the parties could have sought leave of the Court to stay discovery pending the
27 ENE session, they did not do so.

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As the only reason provided for an extended discovery period is plainly insufficient, the Court hereby **DENIES** the proposed discovery plan. No later than March 27, 2013, the parties shall file a revised discovery plan with either (1) discovery deadlines calculated according to the Local Rules based on a July 3, 2013 discovery cutoff or (2) a more sufficient showing as to why an extended discovery period should be approved.

IT IS SO ORDERED.

DATED: March 22, 2013

NANCY J. KOPPE
United States Magistrate Judge